

DRAFT 10-29-13.3

WYOMING GAME AND FISH COMMISSION

CHAPTER 40

REGULATION GOVERNING COMMERCIAL GAME BIRD FARMS

Section 1. Authority. This regulation is promulgated under authority of W.S. §23-1-101, W.S. §23-1-302, W.S. §23-5-101, W.S. §23-5-102, W.S. §23-5-103, W.S. §23-5-104, W.S. §23-5-105, W.S. §23-5-106, W.S. §23-5-107, W.S. §23-5-108, W.S. §23-5-110 and W.S. §23-6-111.

~~**Section 2. Regulation.** The Wyoming Game and Fish Commission hereby adopts the following regulation governing game bird farms. This regulation shall remain in effect until modified or rescinded by the Commission.~~

Section 32. Definitions. ~~For the purpose of this regulation, definitions~~ **Definitions** will be as set forth in Title 23, Wyoming Statutes, **Commission regulations**, and the Commission adopts the following definitions:

(a) "Certificate of Veterinary Inspection" means an official health certificate. It shall be a legible record covering the requirements of the State of Wyoming as listed in Wyoming Game & Fish Commission Regulation Chapter 10, Regulation For Importation, Possession, Confinement, Transportation, Sale And Disposition Of Live Wildlife and as recorded on an official form from the state of origin and approved by the animal health official of the state of origin, or an approved form of the United States Department of Agriculture which shall be issued by an accredited licensed veterinarian. Certificates of veterinary inspection shall be issued to comply in all respects with requirements of the State of Wyoming. The certificate of veterinary inspection shall delineate the total number of game birds covered by the certificate. It shall indicate the health status of the game birds involved, including dates and results of required tests and vaccinations, the mailing addresses of the consignor and consignee, the origin of the game birds, their actual Wyoming destination, and an accurate description including proper taxonomic identification with genus and species names. It shall designate the individual game bird number, or similar individual identification of each game bird.

(b) "Continuous Tract of Land" means one parcel of fee land, except as may be divided by a public road, highway or a railroad right of way, which is either entirely owned by the game bird farm licensee or which is fee land entirely controlled by the applicant by a five (5) year lease or written agreement.

(c) "Game Birds" means live birds and viable eggs of all grouse, partridge, pheasants, quail and migratory game bird species.

(d) "Game Bird Certificate of Origin" means a sworn statement signed by the owner or manager of game birds originating from premises operated by them that said premises are free of infectious, contagious or communicable diseases including, but not limited to, Newcastle Disease, pullorum, avian cholera, avian tuberculosis, duck viral enteritis and west nile virus, and the premises have been disease free for at least the immediately preceding twelve (12) consecutive months.

(e) "Holding Facility(ies)" or "facility" means the physical structure designed to confine and handle live game birds. The holding facility shall be defined by legal description to the quarter/quarter (1/4 1/4) section where live game birds shall be possessed or confined.

(f) "Legal Fence" means a fence made of steel, concrete or sound wooden posts and three (3) spans of barbed wire not more than fifteen (15) inches or less than ten (10) inches apart, or two (2) spans of barbed wire with a wooden rail on top. Wooden posts shall be at least four (4) inches in diameter. Posts shall be set firmly in the ground at least twenty (20) inches deep, at no greater distance apart than twenty-two (22) feet between the posts or thirty-three (33) feet with at least two (2) iron or wooden stays between the posts. Stays shall be placed equal distance apart from themselves and the post on either side;

A post and board fence made of sound posts not less than four (4) inches in diameter set substantially in the ground not more than ten (10) feet apart, with three (3) boards sold as one (1) inch lumber eight (8) inches wide, and not more than ten (10) inches apart, or four (4) boards sold as one (1) inch lumber six (6) inches wide, not more than eight (8) inches apart, securely fastened with nails or otherwise;

A four (4) pole fence with round poles not less than two (2) inches in diameter at the small end, with either upright or leaning posts not more than sixteen (16) feet apart, and securely fastened with nails, wires or otherwise; or,

All other fences made and constructed of boards, rails, poles, stones, hedge plants or other material which upon evidence is declared to be as strong and well calculated to protect enclosures, and is as effective for resisting breaching stock as those described in this definition shall be considered a lawful fence.

(g) "Office of the Game and Fish Department" means the Wyoming Game and Fish Department, Permitting, Wildlife Division, whose mailing address is 5400 Bishop Boulevard, Cheyenne, Wyoming 82006-0001.

(h) "Posted as a Private Game Bird Farm" means the placement and maintenance of legible signs with the wording Private Game Bird Farm at all entrances, gates or cattle guards on roads entering the licensed game bird farm property.

(i) "Quarantine" means a holding facility constructed to prevent contact between quarantined game birds and any other animals, to prevent escape of quarantined game birds, and to allow humane restraint and handling of quarantined game birds approved in advance by the Office of the Game and Fish Department; or the period of time during which a game bird(s) is confined in a quarantine facility.

(j) "Pre-Entry Quarantine" means a quarantine facility in the state of origin of game birds to be imported. The quarantine facility shall be approved in advance by the Office of the Game and Fish Department or the Department's designated animal health official in the state of origin of game birds to be imported. Usually pre-entry quarantine is on the premises of origin. Pre-entry quarantine is always the last place of confinement immediately before game birds are shipped directly to Wyoming; or, the period of time during which a game bird(s) is confined in a pre-entry quarantine facility.

(k) "Post-entry quarantine" means a quarantine facility in Wyoming approved in advance by the Office of the Game and Fish Department. Usually post-entry quarantine is on the premises of destination. Post-entry quarantine is always the first place of confinement after game birds are shipped directly to Wyoming; or the period of time during which a game bird(s) is confined in a post-entry quarantine facility.

(l) "Special Competitive Game Bird Hunt" means a competitive game bird hunt held on a licensed game bird farm and approved by the Department. The competitive game bird hunt shall include: judges, trainers, dog owners and/or handlers, dogs bred for the hunting of game birds, advertised date(s) and

location(s), and a sponsor. Special competitive game bird hunts shall not be approved for more than a three (3) consecutive day time period.

Section 43. Application for License.

(a) Any person desiring to operate a game bird farm shall make application on forms provided by the Department. A map and legal description to the quarter (1/4) section of all fee lands to be included in the game bird farm shall be provided. If fee lands are leased, a copy of the five (5) year lease agreement shall also be included with the application form. The applicant shall provide the name of the genus and species of all game birds to be possessed, bred, propagated, hunted, killed or sold from the lands described in this section. The applicant shall provide how the game birds are to be disposed of (hunted, killed or sold). It shall be a violation of this regulation for the game bird farm licensee to possess, breed, propagate, hunt, kill, sell or otherwise dispose of any species of game birds not listed on the application and approved by the Office of the Game and Fish Department.

(b) A person may request to amend a game bird farm application by submitting a written request to the Game Warden in whose district the game bird farm is located. The amendment shall specify the requested changes to the original Game Bird Farm application. The amendment request shall be reviewed by the Department and approved or denied. If the amendment requests a species of game bird that occurs on the property, the game bird farm applicant shall abide by Section ~~40~~**49** of this regulation.

(c) The operation of a licensed game bird farm shall not be contrary to, or in violation of any State, County or Municipal laws, regulations or private covenants.

Section 54. Certificate of Origin.

(a) Prior to importation of any game bird(s) from any out of state source, a game bird certificate of origin shall be completed and submitted to the Office of the Game and Fish Department. The sworn statement signed by the owner or operator of the out of state source shall verify that game birds are originating from premises free of infectious, contagious or communicable diseases and have been disease free for at least twelve (12) consecutive months immediately preceding importation of the game birds into the State. ~~Diseases include, but are not limited to, Newcastle disease, pullorum, avian cholera, avian tuberculosis and duck viral enteritis.~~

Section 65. Disease Free Certification.

(a) The Department shall require a certificate of veterinary inspection for all game birds imported into Wyoming. The game bird farm licensee shall apply to the Department for copies of the inspection procedures to be followed and copies of the requirements of the Department as to the type of disease free certification which shall be furnished. A copy of the certificate of veterinary inspection shall be forwarded immediately to the animal health official of the state of origin for approval and transmittal to the Wyoming State Veterinarian and Office of the Game and Fish Department. A copy shall accompany and be in the possession of the driver or person in possession of game birds shipped into or in any manner transported into Wyoming. The certificate of veterinary inspection shall contain the names and addresses of the consignor and consignee, total number of game birds covered by the certificate, health status of the game birds involved including dates and results of required tests and vaccinations, the origin of the game birds, the Wyoming destination to where the game birds shall be shipped, and an accurate description including proper taxonomic identification with genus and species names of the game birds. A certificate of veterinary inspection shall be valid for ten (10) days immediately following date of inspection and issuance. A certificate of veterinary inspection shall be issued to comply in all respects with the requirements of the State of Wyoming which are found in ~~the Wyoming Game & Fish Commission~~

Regulation, Chapter 10, Regulation For Importation, Possession, Confinement, Transportation, Sale And Disposition Of Live Wildlife.

(b) All game birds acquired, propagated, received, purchased, held, released, harvested or sold shall be maintained disease free in accordance with Department requirements. All facilities utilized in the game bird farm shall be maintained so as to prohibit the acquisition, spread or transmittal of diseases. Game birds held in captivity which become diseased shall immediately be destroyed or placed under the professional care of a veterinarian licensed in the State of Wyoming and such incident reported immediately to the Department by the game bird farm licensee. Department personnel may inspect facilities or game birds to insure they meet disease free requirements. If facilities or game birds are found not to meet Department requirements, or if diseased game birds present a threat to the wildlife of the State, the Department may order such action as necessary, including quarantine or destruction of game birds, sterilization of enclosures and facilities, cessation of activities and disposal of the diseased game birds in a manner satisfactory to the Department. The Department may refuse to lift the quarantine or refuse to allow operation of the game bird farm until such time as the facilities or game birds meet disease free requirements. When it is shown the facilities or game birds meet disease free requirements, the Department may lift the quarantine.

Section 76. Holding Facility(ies). Before a license is issued to operate a game bird farm, Department personnel shall review the applicant's proposed holding facility(ies) taking into consideration the species applied for, the number of game birds requested, the welfare of the game birds to be possessed, the purpose(s) for which the game birds shall be held and to insure adequate protection for Wyoming's wildlife resources. Holding facilities shall be constructed to meet Department approval prior to importation or possession of live game birds.

Section 87. Notification and Disposition of Diseased Game Birds. The licensee or his/her authorized agent shall notify the Department within twenty-four (24) hours of having reason to believe that game birds held under a license pursuant to this regulation may have been exposed to or contracted a contagious disease or parasite. It shall be a violation of this regulation to remove game birds exposed to or which have contracted a contagious disease or parasite from the holding facility(ies) without prior authorization from the Department.

Section 98. Identification Requirements. Before a license is issued to operate a game bird farm, the applicant shall register with the Department the type of identifying leg or wing band to be placed on the game birds. The type of leg or wing band shall depend upon the type and age of the game bird. The Department shall make the final determination as to the suitability of the tag before attachment. ~~After three (3) years of continuous operation and being licensed at the same location, the licensee shall not be required to mark adult game birds with identifying leg or wing bands.~~

Section 109. Purchase of Game Birds Occurring on Proposed Game Bird Farm Lands. Upon the execution of a proper application for a game bird farm license where game birds occur on the lands to be utilized, the applicant shall pay the Department fifteen dollars (\$15.00) for each game bird of the species to be licensed which are determined to be upon the lands initially licensed as a game bird farm. If the same lands have been licensed as a game bird farm within the three (3) previous years by the same person, for the same species of game birds and the lands are determined to be marginal or unsuitable habitat by the Department for that species of game birds, the applicant shall not have to determine the number of game birds, nor pay for those game birds found on the previously licensed lands.

Section 110. Release of Birds. Each licensee shall release a minimum of one-hundred (100) game birds of the species approved by the Department each year on the licensed premises. The one hundred (100) game birds of each species shall be released in the twelve (12) consecutive month period commencing April 2 and ending April 1 of the next year. A release shall be substantiated with written

records. Licensees who sell, but do not hunt game birds, shall be exempt from the minimum game bird release requirement.

Section ~~13~~11. Records. A licensee shall maintain on the premises of the game bird farm or at his/her residence legible, current, accurate and complete records on forms provided by the Department of the species and the number of game birds received, shipped, purchased, reared, released, disposed of, killed or sold. Records shall include names, addresses of all recipients, purchasers, suppliers and hunters, the license number of all hunters, the date of each transaction and the number and species of game birds reared and released on the game bird farm. Records for special competitive game bird hunts shall include the names and addresses of all participants, and the number and species of all game birds taken during special competitive game bird hunts held on the licensed game bird farms. Records shall be produced upon demand of any Department enforcement officer. All records shall be submitted to the Regional Wildlife Supervisor in their respective Region by April 15 of each year for activities which occurred during the term of the license.

Section ~~13~~12. Inspection by Department Personnel. Any person issued a license under this regulation shall, during the term of the license and for a period of sixty (60) days after expiration of the game bird farm license, allow inspection of records, holding facilities, signing and game birds by Department law enforcement personnel during reasonable hours.

Section ~~14~~13. Disposal of Game Birds if License is not Renewed. Should a licensee fail to renew his/her license for any reason, all game birds held in captivity on the premises shall be disposed of within sixty (60) days after expiration of the game bird farm license. After this sixty (60) day period, all game birds on the premises shall become property of the State and may be disposed of by the Department in the best interest of the Department.

Section ~~15~~14. Revocation of License. Failure to maintain required records, acquire game bird certificate of origin, acquire certificate of veterinary inspection or maintain disease free facilities and game birds is just cause for revocation of a game bird farm license by the Commission. Revocation of a license by the Commission shall be carried out in compliance with Commission Regulation Chapter 27 Rules of Practice Governing Contested Cases Before The Wyoming Game and Fish Commission.

Section ~~16~~15. Special Competitive Game Bird Hunts. The Department, in compliance with statutory and regulatory provisions, may approve special competitive game bird hunts on licensed game bird farms as set forth in this section. Individuals participating in an approved special competitive game bird hunt are not required to obtain a valid Wyoming game bird hunting license prior to taking game birds during an approved special competitive game bird hunt.

(a) Applications for special competitive game bird hunts shall be submitted on a form provided by the Department, to the Game Warden in whose district the game bird farm is located not less than twenty (20) days prior to the special competitive game bird hunt. The application for a special competitive game bird hunt shall include: the applicant's name, address and phone number; the name, address and current year's license number of the licensed game bird farm where the hunt will occur; the name of the sponsor; the date(s) of the hunt; the number and species and source of game birds to be utilized, and the estimated number of participants.

(b) Approved special competitive game bird hunts may be held on any licensed game bird farm throughout the calendar year except as provided in this subsection. To protect natural game bird populations, special competitive game bird hunts may not be approved during the time period April 1 through July 31 of each year on licensed game bird farms where Department personnel document natural reproduction of any game bird species.

(c) Only the species of game bird approved by the Department on the licensed game bird farm may be taken during any special competitive game bird hunt.

(d) Participants may possess game birds taken during a special competitive game bird hunt provided each participant possessing game birds has in possession a receipt issued by the permit holder providing the name of the person receiving the game birds, the number and species of game birds in possession and the date the birds were possessed.

~~Section 17. Violation of Commission Regulations. Failure to abide by the provisions of this regulation shall be punishable as provided by Wyoming statutes for violation of Commission regulations.~~

~~Section 18. Savings Clause. If any provision of this regulation shall be held to be illegal or unconstitutional, such a ruling shall not affect other provisions of this regulation which can be given effect without the illegal or unconstitutional provision; and, to this end, the provisions of this regulation shall be severable.~~

WYOMING GAME AND FISH COMMISSION

By: _____
Mike Healy, President

Dated: ~~July 10, 2013~~ January 22, 2014